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PATENT  
Attorney Docket No. 056291-5237

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Simon Nicholas BLACK *et al.* )  
Application No.: 10/572,635 ) Group Art Unit: Unassigned  
Filed: March 17, 2006 ) Examiner: Unassigned  
For: POLYMORPHIC FORMS OF A KNOWN ) Date: September 29, 2006  
ANTIHYPERLIPEMIC AGENT )

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Window, Mail Stop Amendment  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

**Citation of Technically Related U.S. Patent Applications**

The Examiner's attention is directed to the following technically related U.S. patents or applications of Applicants' assignee:

Inventor	U.S. Serial No. Filing Date	U.S. Patent No. Issue Date	PCT Publication No. PCT Publication Date
Nigel P. Taylor et al.	09/913,539 December 7, 2001	6,844,437 January 18, 2005	WO 00/49014 August 24, 2000
Andrew J. Blacker et al.	10/275,092 November 1, 2002		WO 01/85975 November 15, 2001
Jacob H. Kooistra et al.	10/333,351 January 17, 2003	6,870,059 March 22, 2005	WO 02/06266 January 24, 2002
Akio Matsushita et al.	10/483,430 January 12, 2004		WO 03/006439 January 23, 2003
Robert P. Hof	10/501,250 July 8, 2004		WO 03/059901 July 24, 2003
Hermanus C. Bakel Van et al.	10/518,164 July 25, 2005		WO 03/106447 December 24, 2003
John Horbury et al.	10/524,235 February 10, 2005		WO 2004/014872 February 19, 2004
Lee Newton et al.	10/537,723 June 7, 2005		WO 2004/054986 July 1, 2004

Inventor	U.S. Serial No. Filing Date	U.S. Patent No. Issue Date	PCT Publication No. PCT Publication Date
Jeffrey N. Crabb et al.	10/558,390 November 29, 2005		WO 2004/108691 December 16, 2004
Rebecca J. Booth et al.	10/571,254 March 9, 2006		WO 2005/023779 March 17, 2005
Tetsuo Okada et al.	10/576,774 April 21, 2006		WO 2005/042522 May 12, 2005
Nigel P. Taylor et al	10/610,700 July 2, 2003	6,784,171 August 31, 2004	WO 00/49014 August 24, 2000
Jacob H. Kooistra et al.	11/053,090 February 7, 2005		WO 02/06266 January 24, 2002
Andrew J. Blacker et al.	11/412,047 April 27, 2006		WO 01/85975 November 15, 2001

A copy of the specification and claims for each application, in the form of the published PCT application from which such application was filed is being filed herewith. Consideration of each listed application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants request the Examiner to consider this Information Disclosure Statement and documents listed on the attached Form PTO-1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced Application. Accordingly, Applicants do not believe a fee is due for filing this Information Disclosure Statement.

With the exception of U.S. Patents and Publications, copies of the listed documents are attached. Documents 10, 19 and 35 listed on the accompanying Form PTO-1449 were previously cited in the International Search Report dated December 2, 2004 and on the Form PTO-1449 filed with this application on March 17, 2006 but without copies of the documents. Applicants respectfully request that the Examiner initial and return the Form PTO-1449, indicating that the information has been considered and made of record herein.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." Applicants reserve the right to take appropriate action to establish the patentability of the disclosed

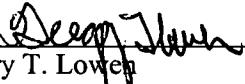
invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a  
**CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**

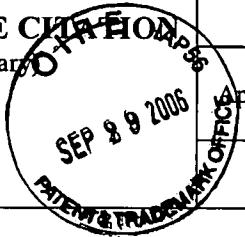
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## INFORMATION DISCLOSURE CHART

(Use several sheets if necessary)

Attorney Docket No.  
056291-5237Application No.  
10/572,635PTO Form 1449  
September 29, 2006

Applicants: Simon Nicholas BLACK et al.

Filing Date: March 17, 2006

Group Art Unit: Unassigned

## U.S. PATENT DOCUMENTS

Initial	Document No.	Date	Name	Class	Sub-Class	Filing Date
1.	US 20030114685	June 19, 2003	Niddam-Hildesheim et al.			
2.	US 20050124639	June 9, 2005	Joshi et al.			
3.	US 20050209259	September 22, 2005	Huang			
4.	US 5,026,698	June 25, 1991	Fujikawa et al.			
5.	US 6,784,171	August 31, 2004	Taylor et al.			
6.	US 6,844,437	January 18, 2005	Taylor et al.			
7.	US 6,870,059	March 22, 2005	Kooistra et al.			
8.	US 6,875,867	April 5, 2005	Brodfuehrer et al.			

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12.	WO 97/03959	February 6, 1997	WIPO			
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15.	WO 00/42024	July 20, 2000	WIPO			
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21.	WO 01/85975	November 15, 2001	WIPO			
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28.	WO 02/098854	December 12, 2002	WIPO			
29.	WO 03/006439	January 23, 2003	WIPO			
30.	WO 03/016317	February 27, 2003	WIPO			
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36.	WO 2004/052867	June 24, 2004	WIPO			
37.	WO 2004/054986	July 1, 2004	WIPO			

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

Examiner /Venkataraman Balasubramanian/	Date Considered 03/02/2009
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  PTO Form 1449 September 29, 2006	Attorney Docket No. 056291-5237	Application No. 10/572,635
	Applicants: Simon Nicholas BLACK <i>et al.</i>	
	Filing Date: March 17, 2006	Group Art Unit: Unassigned

#### U.S. PATENT DOCUMENTS

Initial	Document No.	Date	Name	Class	Sub-Class	Filing Date

#### FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Class	Sub-Class	Translation
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39.	WO 2004/103977	December 2, 2004	WIPO			
40.	WO 2004/108691	December 16, 2004	WIPO			
41.	WO 2005/005384	January 20, 2005	WIPO			
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59.	Kaneko et al. "Preparation of optically active 5,6-epoxyhexanoic acid esters as materials for physiologically active substances" Chemical Abstracts + Indexes, American Chemical Society, Columbus, US 118(11):832 (1993)					
60.	Menges et al. "Oxidative Degradation of $\gamma$ -Butyrolactons into 1,3-Diols via a Criegee Rearrangement of Peroxosulfonates. An Enantioselective Synthesis of Compactin Lactone and its Diastereomer" Synlett 12:901-905 (1993)					
61.	Presentation given at the 20th International Congress of Heterocyclic Chemistry in Palermo, 1st-5th August 2005					
62.	Presentation given at the Gordon Conference on Heterocyclic Compounds, Salve Regina University, Newport, Rhode Island, 4th-9th July 2004					
63.	Sakaki et al. "Lipase-catalyzed asymmetric synthesis of 6-(3-chloro-2-hydroxypropyl)-1,3-dioxin-4-ones and their conversion to chiral 5,6-epoxyhexanoates" Tetrahedron: Asymmetry 2(5):343-346 (1991)					
64.	Shao et al. "Asymmetric hydrogenation of 3,5-Dioxoesters catalyzed by Ru-binap complex: A short step asymmetric synthesis of 6-substituted 5,6-dihydro-2-pyrone" Tetrahedron 49(10):1997-2010 (1993)					
65.	Watanabe et al. "Synthesis and Biological Activity of Methanesulfonamide Pyrimidine- and N-Methanesulfonyl Pyrrole-Substituted 3,5-Dihydroxy-6-heptenoates, a Novel Series of HMG-CoA Reductase Inhibitors" Bioorganic & Medicinal Chemistry 5(2):437-444 (1997)					

Examiner	Date Considered
Venkataraman Balasubramanian/	03/02/2009
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	